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Secretary for
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California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman

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Arnold
Schwarzenegger
Governor

July 9, 2007

In the Matter of

Water Quality Certification

for the

**UNITED STATES FOREST SERVICE, TRINITY RIVER COARSE SEDIMENT
INJECTION PROJECT**

WDID NO. 1A06041WNTR

APPLICANT:	United States Forest Service
RECEIVING WATER:	Trinity River
HYDROLOGIC UNIT:	Douglas City Hydrologic Subarea 106.31
COUNTY:	Trinity
FILE NAME:	USFS – Trinity River Coarse Sediment Injection

BY THE EXECUTIVE OFFICER:

1. On April 30, 2007, the U.S. Forest Service (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with placement of coarse sediment in the Trinity River below Lewiston Dam. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 13, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The need for additional coarse sediment below the dam is primarily due to the long-term effects of controlled dam releases, the elimination of coarse sediment originating upstream of Lewiston Dam, and the reduced frequency and magnitude of high flows. The purpose of this project is to restore aquatic habitat in the Trinity River downstream of Lewiston Dam and adjacent to the Trinity River Fish Hatchery. This section of the river has the greatest coarse sediment deficit and the greatest number of anadromous fish attempting to spawn.
3. On July 11, 2006, the Regional Water Board issued Water Quality Certification for a similar coarse sediment placement project that began in 2006. Coarse sediment placement activities planned for the summer of 2007 involve placement of approximately 4,500 cubic yards of washed coarse sediment to complete the project

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that was not completed in 2006 due to rising fuel costs, coarse sediment costs, and the fixed funding available for the project at that time. The need to place additional coarse sediment in this river section will be evaluated annually after flushing flows occur. Additional coarse sediment may be placed in the above described reach of the Trinity River on an as-needed basis.

4. Coarse sediment placement activities will be implemented when river flows are the lowest after the high flow releases that occur during the spring. The project is scheduled to begin around July 20 and will be completed by no later than September 15 each year.
5. The federal Clean Water Act (33 U.S.C. §§ 1251-1387) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) Section 401 of the Clean Water Act (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Section 401 further provides that state certification conditions shall become conditions of any federal license or permit for the project.
6. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.
7. Impacts to waters of the United States from this project are considered temporary because the project does not include installation of any permanent structures or permanent fill and the primary purpose is to restore aquatic habitat in the Trinity River immediately downstream of Lewiston Dam. The project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the United States. Mitigation measures to avoid significant environmental effects are incorporated as conditions of this permit.
8. Compensatory mitigation is not required for the project. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for heavy equipment use in a waterway and for sediment and turbidity control. Only coarse sediment washed to a cleanliness value of at least 85, using Caltrans Test No. 227, will be placed in the river.
9. The Applicant has applied to the United States Army Corps of Engineers for authorization to perform the project under Nationwide Permit Number 27 (File No. 301410N), pursuant to Clean Water Act, section 404.
10. A Lake or Streambed Alteration Agreement from the California Department of Fish & Game is not required for this project.

11. The Regional Water Board, as the lead agency for California Environmental Quality Act (CEQA) compliance, finds that the EA/FONSI prepared by the Applicant for National Environmental Policy Act compliance, complies with the applicable provisions of the CEQA guidelines and was appropriately circulated for public review. The EA/FONSI is being used in place of a negative declaration.

Receiving Water: Trinity River in the Douglas City Hydrologic Subarea 106.31.

Filled or Excavated Area: Area Temporarily Impacted: 3 acres of streambed
Area Permanently Impacted: none

Total Linear Impacts: Length Temporarily Impacted: 1,800 linear feet of streambed
Length Permanently Impacted: none

Dredge Volume: none

Latitude/Longitude: 40.72636 N/122.79870 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity River Coarse Sediment Injection project (WDID No. 1A06041WNTR), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Applicant shall notify the Regional Water Board each year prior to the commencement of sediment injection activities, with details regarding the construction schedule, in order to allow staff the opportunity to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

5. The Applicant shall provide a copy of this Order to all contractors and all subcontractors conducting the work, and require that a copy of the Order remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractors or subcontractors.
6. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
7. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the Applicant use any vehicle or equipment, which leaks any substance that may impact water quality. If, at any time, an unauthorized discharge to surface waters occurs from fueling, lubrication, maintenance, storage or staging activities, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the Applicant shall cease the associated project activities immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. Visual observations for increased turbidity in the Trinity River shall be conducted whenever a project activity has the potential to increase turbidity. Field turbidity measurements shall be conducted whenever a visible increase in turbidity is observed. Field turbidity measurements and observations shall be recorded. Field turbidity measurements shall be collected upstream (within 50 feet) of project activities and downstream (within 500 feet) of the source of turbidity where the turbidity appears to be highest across the river. If turbidity levels are greater than 20 percent above background levels 500 feet downstream of the project area, all necessary steps shall be taken to install, repair, and/or modify the BMPs, including stopping or slowing work on the project, in order to control the turbidity. If turbidity levels are greater than 20 percent above background levels 500 feet downstream of the project area, the overall distance from the source of turbidity to the downstream extent of the increased turbidity (20 percent above background) shall be determined and promptly reported to Regional Water Board staff. The monitoring frequency shall be a minimum of every two hours during periods of increased turbidity or until turbidity levels are no longer increasing as a result of project activities.

11. All visual observations and all field turbidity measurements required by Additional Condition 10 shall be submitted in a report to the Regional Water Board within 120 days of annual project completion.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
14. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
15. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
18. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

19. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
20. The authorization of this certification for any dredge and fill activities expires on September 15, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine E. Kuhlman
Executive Officer

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